



**U.S. Department of Justice
Consumer Protection Branch**

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February 27, 2024

By ECF

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. B4B Earth Tea LLC, et al.* No. 22-CV-1159

Dear Judge Vitaliano:

The United States intends to file a motion to dismiss the counterclaim that *pro se* Defendant Andrew Martin Sinclair filed on February 6, 2024. Dkt. No. 40.

Pursuant to Section III.B. of the Court's Individual Motion Practice and Rules, the United States requests that the Court enter a briefing schedule that would allow Defendant Sinclair 45 days to respond to the motion and the United States 14 days to reply to that response.

The United States has requested Defendant Sinclair's consent to a briefing schedule but was unable to obtain it. When counsel for the United States emailed Mr. Sinclair to propose this schedule, Mr. Sinclair at first believed that he was being asked to agree to dismissal of his counterclaim, which he asserted is a valid claim. After the United States further clarified that it was only asking for consent to a briefing schedule, Mr. Sinclair still did not consent and instead responded that the United States can file its motion and he does not plan to respond to it.

The United States' motion papers are completed and ready to be filed upon the Court's approval of a briefing schedule. In the meantime, counsel for the United States has provided Mr. Sinclair a copy of the memorandum of law in support of its motion to dismiss the counterclaim and copies of the cases and other authorities the memorandum cites.

Respectfully submitted,

/s/ Zachary A. Dietert
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